

## Compliance

### CULTURAL RESOURCES

The National Park Service is mandated to preserve and protect its cultural resources through its Organic Act of 1916 and through specific legislation such as the Antiquities Act of 1906, the National Environmental Policy Act of 1969, and the National Historic Preservation Act of 1966 as amended in 1992. Cultural resources in New Orleans Jazz National Historical Park will be managed in accordance with these acts and with chapter 5 of the *NPS Management Policies*, the *Cultural Resources Management Guidelines* (NPS-28), and other relevant policy directives, such as the *NPS Museum Handbook, Parts I and II*, the *NPS Manual for Museums*, and *Interpretation and Visitor Services Guidelines* (NPS-6).

As part of its cultural resource management responsibilities, the National Park Service surveys and evaluates all cultural resources under its jurisdiction. Cultural resources are evaluated by applying the criteria of the National Register of Historic Places. In addition, the National Park Service maintains the *List of Classified Structures*, which is an inventory of all above-ground historic and prehistoric structures in the National Park system. All cultural resources eligible for the national register are recorded and measured according to high professional standards.

Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470, et seq.) requires that federal agencies that have direct or indirect jurisdiction take into account the effect of undertakings on national register properties and allow the Advisory Council on Historic Preservation an opportunity to comment. Toward that end, the National Park Service will work with the Louisiana state historic preservation office and the advisory council to meet requirements of 36 CFR 800 and the September 1995 programmatic agreement among the National Conference of State Historic Preservation Officers, the Advisory Council on

Historic Preservation, and the National Park Service. This agreement requires the Park Service to work closely with the state historic preservation office and the advisory council in planning for new and existing NPS areas.

The agreement also provides for a number of programmatic exclusions for specific actions that are not likely to have an adverse effect on cultural resources. These actions can be implemented without further review by the Louisiana State Historic Preservation Office or the Advisory Council on Historic Preservation (reducing required consultation with the state historic preservation office) provided that NPS internal review finds that the actions meet certain conditions. Undertakings, as defined in 36 CFR 800, not specifically excluded in the programmatic agreement will be reviewed by the state historic preservation office and the advisory council before implementation. Throughout the process there will be early consultation on all potential actions.



The National Park Service has developed a list of actions associated with the proposed *General Management Plan* that could have an effect on cultural resources. Some of these actions are covered by programmatic exclusions and require no further state historic preservation office / advisory council review. Other actions will need further state historic preservation / advisory council review. This information is presented in table 23. The final *General Management Plan / Environmental Impact Statement* will include a listing of those actions with which the state historic preservation office concurs along with any additional requests or comments made by that that office.

Internally the National Park Service will complete an “Assessment of Actions Having an Effect on Cultural Resources” form before implementing any proposed actions. This is necessary to document any project effects, outline actions proposed to mitigate any effects, and document that the proposed actions flow from the *General Management Plan*. All implementing actions for cultural resources will be reviewed and certified by cultural resource specialists following the September 1995 programmatic agreement.

Prior to any ground-disturbing action by the National Park Service, a professional archeologist will determine the need for archeological inventory or testing evaluation. Any such studies will be carried out in conjunction with construction and will meet the needs of the state historic preservation offices and the National Park Service. Any large-scale archeological investigations will be undertaken in consultation with the Louisiana historic preservation officer. Decisions on the identification and appropriate treatment of historic properties will follow NPS management policies for cultural resources. The planning and implementation of preservation treatments, such as rehabilitation for adaptive use, will be undertaken in accordance with section 106 of the National Historic Preservation Act of 1966, as amended, and as set forth in the Advisory Council on Historic Preservation guidelines in 39 CFR 800 and the servicewide programmatic agreement among the National Park Service, advisory council, and National Conference of State Historic Preservation Officers. All preservation treatment to historic properties will follow the *Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation*.

**TABLE 23: IMPLEMENTATION ACTIONS FOR GENERAL MANAGEMENT PLAN THAT MAY AFFECT CULTURAL RESOURCES, AND THEIR ASSOCIATED STATE HISTORIC PRESERVATION OFFICE / ADVISORY COUNCIL ON HISTORIC PRESERVATION COMPLIANCE REQUIREMENTS**

ACTIONS	COMPLIANCE REQUIREMENTS
Development of park facilities at Louis Armstrong Park	Requires further SHPO/ACHP review to determine effect on cultural resources including archeological features, historic structures, and landscapes
Produce new interpretive and educational media	No further SHPO/ACHP review; action will have no effect on cultural resources
Preservation efforts on South Rampart Street and other sites	Further consultation with SHPO/ACHP review to determine effect on cultural resources

Section 110 of the National Historic Preservation Act requires the National Park Service to identify and nominate to the National Register of Historic Places all resources under its jurisdiction that appear to be eligible. Historic areas of the national park system are automatically listed on the national register upon their establishment by law or executive order.

Cultural landscape management focuses on preserving the landscape's physical attributes, biotic systems, and use when that use contributes to its historical significance. Research, planning, and stewardship provide the framework for the program. Research defines the significance, and planning outlines the issues and alternatives for long-term preservation. Stewardship includes maintenance and condition assessment and defines the appropriate preservation technology to be used. In this regard, the park needs a cultural landscape or at minimum a cultural landscape inventory.

In addition the park needs a comprehensive historic resource study that will provide a comprehensive context on the evolution of New Orleans Jazz as well as requisite site identification and assessment. The historic resource study, prepared in accordance with provisions contained in NPS-28: *Cultural Resource Management Guidelines*, will not only provide important data to define and identify jazz-related resources and guide interpretation and resource protection but will also afford management more complete knowledge and direction in its decision-making responsibility. During the implementation phase of the proposed action, archeological surveys may be required as well as historic structures reports and ethnographic use studies. This will be determined on a case-by-case basis when advance planning for construction is funded and undertaken.

## NATURAL RESOURCES

Below is a list of many of the environmental laws and regulations that must be considered during implementation of the *General Management Plan*.

## National Environmental Policy Act of 1969

The National Environmental Policy Act is the national charter for environmental protection. Title I of the law requires federal agencies plan and carry out their activities "so as to protect and enhance the quality of the environment. Such activities will include those directed to controlling pollution and enhancing the environment."

The requirements of the act will be fulfilled when a record of decision is signed by the regional director and distributed to the public following final publication of this *General Management Plan / Environmental Impact Statement* and a public review period.

## Endangered Species Act of 1973

Section 7 of the Endangered Species Act requires all federal agencies to consult with the U.S. Fish and Wildlife Service to ensure that any action authorized, funded, or carried out by the agency does not jeopardize the continued existence of listed species or critical habitat.

Informal consultation with the U.S. Fish and Wildlife Service was conducted through a letter dated February 6, 1998, to determine if any endangered or threatened species existed in or near New Orleans Jazz National Historical Park. A response letter, dated March 22, 1998, stated that no federally threatened, endangered, or candidate species presently occur in the project area. The letter is included in appendix I.

In January 1998 the National Park Service contacted the Louisiana Department of Wildlife and Fisheries to ascertain the presence of any state-listed or candidate endangered, threatened, or rare plant species that could be affected by this project. The National Park Service was not apprised of the presence of any endangered, threatened, or candidate species directly within the project area (USFWS 1998).

## **Clean Air Act**

Section 118 of the Clean Air Act, as amended (42 USC 701 et seq.) requires all federal facilities to comply with existing federal, state, and city air pollution control laws and regulations.

## **Executive Order 11988 and Executive Order 11990**

Executive orders 11988 (“Floodplain Management”) and 11990 (“Protection of Wetlands”) direct federal agencies to enhance floodplain and wetland values, to avoid development in the floodplains and wetlands whenever there is a practicable alternative and to avoid to the extent possible adverse impacts associated with the occupancy or modification of floodplains or wetlands.

The areas encompassing the potential sites for New Orleans Jazz National Historical Park are located within the 100- and 500-year floodplains. There are no natural water courses remaining in these areas.

## **Executive Order 12088 (Federal Compliance with Pollution Control Standards)**

Executive Order 12088, “Federal Compliance with Pollution Control Standards,” established procedures and responsibilities to ensure that all necessary actions are taken to prevent, control, and abate environmental pollution with respect to federal facilities and activities.

## **OTHER FEDERAL AND STATE LAWS, EXECUTIVE ORDERS, AND REGULATIONS**

In implementing the *General Management Plan* for New Orleans Jazz National Historical Park, the National Park Service will comply with all applicable laws and executive orders, including those listed below. Informal consultation with appropriate federal, state, and local agencies has

been conducted in the preparation of this document.

The *Draft General Management Plan / Environmental Impact Statement* will be on public review for 60 days. A final environmental impact statement (or a summarized one if comments do not require substantial changes) will be prepared that will respond to or incorporate the public comments on the draft document. After a 30-day review period, a record of decision will be prepared to document the selected alternative and set forth any stipulations for implementation of the *General Management Plan*, thus completing the NEPA process.

The environmental impact statement is essentially a programmatic statement presenting an overview of potential impacts relating to the proposed program for each alternative. More detailed comprehensive design plans may be prepared for individual developments. Any such document would be tiered to this programmatic statement.

## **Executive Order 12898 (Environmental Justice)**

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” requires all federal agencies to incorporate environmental justice into their missions by identifying and addressing disproportionately high and adverse human health or environmental effects of their programs and policies on minorities and low income populations and communities.

## **Architectural Barrier Act of 1969; the Rehabilitation Act of 1973; and the Americans with Disabilities Act of 1990**

Any new facilities will be designed for accessibility by visitors and staff with disabilities. Historic structures require special treatment, and any modifications must be done with the participation of a historical architect and with appro-

priate clearances. Alternative methods of accessibility will be preferred. Inaccessible areas will be made available through other means.

Interpretive media will be accessible. All video and films will be closed-captioned. Basic information brochures will be taped for the visually impaired. Major exhibit areas may include touchable items and taped descriptions of exhibits. Wayside exhibits will be designed with special populations in mind, regarding type, size, angle, contrast, etc. Aspects of the visitor

experience may be affected by compliance with the Americans with Disabilities Act.

U.S. Environmental Protection Agency, state, and local government statutes and regulations will be followed regarding ground disturbing activities. Areas will be inspected prior to development for evidence of soil and groundwater contamination by any pollutants, contaminants, or hazardous substances. If such contamination is found, notification and remedial action will be taken.